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UNITED STATES MAGISTRATE COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 06-0172-CRB
)	
Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER FOR CONTINUANCE FROM
v.)	MARCH 22, 2006 THROUGH APRIL 19,
)	2006 AND EXCLUDING TIME FROM
ROBERT WAYNE SMITH,)	THE SPEEDY TRIAL ACT
)	CALCULATION (18 U.S.C. §
Defendant.)	3161(h)(8)(A))

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling a status hearing date of April 19, 2006 at 2:15 P.M., and documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from March 22, 2006 through April 19, 2006. The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on a bond.
2. The United States recently provided defense counsel with discovery which defense counsel is in the process of reviewing. Defense counsel also intends to provide the government with a computer hard drive to obtain copies of additional digital evidence, and will need the opportunity to review that discovery, as well as to evaluate any appropriate motions.
3. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide reasonable time necessary for effective preparation, taking into

1 account the exercise of due diligence.

2 4. After a hearing on this matter on March 22, 2006, the Court finds that the ends of
3 justice served by excluding the period from March 22, 2006 through April 19, 2006, outweigh
4 the best interest of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).

5 5. Accordingly, and with the consent of the defendant, the Court (1) sets a status hearing
6 date on April 19, 2006, at 2:15P.M., and (2) orders that the period from March 22, 2006 through
7 April 19, 2006 be excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A)
8 & (B)(iv).

9 IT IS SO STIPULATED:

10 DATED: March 28, 2006

/s/

11 DAVID FERMINO

Assistant Federal Public Defender

12 DATED: March 28, 2006

/s/

13 MICHELLE MORGAN-KELLY

14 Assistant United States Attorney

15 IT IS SO ORDERED.

16 DATED: March 30, 2006

17 CHARLES R. BREYER

United States District Court Judge

